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The Sand and Gravel General Permit

A National Pollutant Discharge Elimination System and State Waste Discharge General Permit

for Process Water, Stormwater, and Mine Dewatering Water Discharges Associated with Sand and Gravel Operations, Rock Quarries, and Similar Mining Facilities, Including Stockpiles of Mined Materials, Concrete Batch Operations and Hot Mix Asphalt Operations

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage under this general permit are authorized to discharge in accordance with the special and general conditions which follow.

David C. Peeler, Manager
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF REQUIRED REPORTS AND PLANS

List of Required Reports

The table below lists reports that must be submitted in order to be in compliance with this permit. Additional reporting requirements can also be found in the Special and General Conditions of this permit.

Permit Section	Reports and Notices	Frequency	First Due Date
S4.A.6	Receiving Water Flow Report ¹	Once	January 30, 2008
S6.A	Discharge Monitoring Report	Quarterly	April 30, 2005
S6.E	Noncompliance Notification	Each Noncompliance	Within 30 days ²
S1.F	Notice of Change in Operating Status*	Each Change	Within 10 days
G4.	Notification of Spill, Overflow, or Bypass	As Necessary	As necessary
G6.	Permit Application for Coverage for Substantive Changes to the Discharge*	As Necessary	As necessary
G9.	Notice of Change in Activities*	As Necessary	As necessary
G17.	Notice of Permit Transfer*	As Necessary	As necessary
G18.	Application for Permit Renewal	1/Permit Cycle	August 5, 2009

*Can be downloaded from: <http://www.ecy.wa.gov/programs/wq/sand/download.html>

List of Required Plans

Permit Section	Plan Title
S5.	Monitoring Plan
S9.	Stormwater Pollution Prevention Plan
S9.B.6.	Erosion and Sediment Control Plan
S11.	Spill Control Plan

¹ Receiving Water Flow Report only required for facilities that discharge to *surface waters of the state*. See S4.A.6.

² Notify the Ecology Regional Sand and Gravel Permit Manager within 24 hrs. Submit a detailed written report to Ecology within 30 days, 5 days for upsets and bypasses, unless requested earlier by Ecology. See S6.E.

SPECIAL CONDITIONS

S1 Permit Coverage

A. Types of Facilities Covered Under This Permit

This general permit³ issued by the Department of Ecology (Ecology) covers discharges from facilities in Washington State that have the following characteristics (S1.A.1-3):

1. The facility conducts activities designated by one or more of the following *Standard Industrial Classification (SIC)* codes (see Appendix A for a more complete description of activities covered):

0811	Timber Tracts (sand and gravel <i>point source</i> activities)
1411	Dimension Stone
1422	Crushed and Broken Limestone
1423	Crushed and Broken Granite
1429	Crushed and Broken Stone, Not Elsewhere Classified
1442	Construction Sand and Gravel
1446	Industrial Sand
1455	Kaolin and Ball Clay
1459	Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified
1499	Miscellaneous Nonmetallic Minerals, Except Fuels
2411	Logging (sand and gravel <i>point source</i> activities)
2951	Asphalt Paving Mixtures and Blocks
3273	Ready-Mixed Concrete

In addition to the activities listed above, similar activities (e.g. SIC 3272 - Concrete Products) may be required to obtain coverage under this general permit. This applies when Ecology determines the discharge characteristics are similar and the permit conditions satisfy applicable state and federal requirements, **and**

2. The facility has one or more of the following characteristics:
 - a. Owned or operated by private entities, the State of Washington or *local governments*; or,
 - b. If the discharge is to *ground water*, is owned or operated by the federal government or is located on tribal land, **and**

³ Italicized words in this permit are defined in Appendix B.

3. The facility has one or more of the following characteristics:
 - a. Any facility that ditches, routes, collects, contains, or impounds *process water, mine dewatering water, or Type 3 stormwater*; or
 - b. Any facility that discharges *stormwater, mine dewatering water, or process water* to *surface waters of the state*; or
 - c. Any facility that discharges to a municipal *storm sewer*; or
 - d. Any facility with a discharge to *surface water* or *ground water* that operates a concrete batch plant or a *hot mix asphalt plant* that uses a wet scrubber for air emissions control; or
 - e. Any facility located inside a designated *wellhead protection area*; or
 - f. Any *silvicultural point source*.

B. Facilities Excluded From Coverage under This Permit

1. Ecology will not provide coverage under this general permit for activities that fall under SIC codes listed in S1.A.1. above when:
 - a. The facility has a pit design that will intercept more than one aquifer; or
 - b. The facility discharges to a water body with a *Total Maximum Daily Load (TMDL)* for *turbidity, fine sediment, pH* or temperature unless the Permittee complies with S3.A.3, and the requirements of this general permit are adequate to provide the level of protection required by the *TMDL* or control plan.
 - c. Facilities that discharge to a segment of a waterbody that is listed pursuant to Section 303(d) of the *Clean Water Act*, and discharge a listed *pollutant* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard.
 - d. Any facility that uses material for reclamation or backfill that is not *inert* and also is not covered by a DNR reclamation permit; or
 - e. Any facility that conducts mining operations below the ordinary high water mark in a river or stream channel; or

- f. Any facility that would impair adjacent water rights as a result of pit operations lowering the water table; or
- g. Any facility that discharges to *surface water* on Federal Land or land within an Indian Reservation except for the Puyallup Reservation. Within the Puyallup Reservation, any facility that discharges to *surface water* on land held in trust by the federal government.

Any facility excluded from coverage under conditions S1.B.1.a-f shall apply to Ecology for an individual discharge permit unless the activity is regulated under permit requirements of another section of the Federal *Clean Water Act*.

- 2. Any facility covered under a *National Pollutant Discharge Elimination System (NPDES)* permit or state waste discharge individual permit that is more stringent than the requirements in this general permit.

C. How to Apply for General Permit Coverage for Non-Portable Facilities

- 1. All *new facilities*, un-permitted *existing facilities*, and permitted *existing facilities* that intend to implement a significant process change shall submit a completed and signed “Sand and Gravel General Permit Application for Coverage” form (ECY 070-31) to Ecology. The *application for coverage* shall be submitted no less than one hundred and eighty (180) days before beginning any activity that may result in the discharge of any *pollutant*. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S1.F.
- 2. Facilities with *stormwater* discharge to a *storm sewer* operated by any of the following municipalities shall send a copy of their *application for coverage* to the appropriate *municipality*: Seattle, King County, Snohomish County, Tacoma, Pierce County, and Clark County.
- 3. All *new facilities* and permitted *existing facilities* planning a significant process change shall:
 - a. Satisfy public notice requirements in WAC 173-226-130(5). Ecology will provide instructions for complying with public notice requirements.
 - b. Certify that the applicable *SEPA* requirements have been met.
- 4. A Permittee may include in the *application for coverage*, activities that are, or could be performed by an operator(s) other than the Permittee. These activities may be ongoing or intermittent. As the permit holder, the Permittee is responsible for compliance with all conditions of the permit.

D. How to Apply for and Maintain Permit Coverage for Portable Facilities

An owner and/or operator of a portable concrete batch plant, portable asphalt batch plant, or portable rock crusher may obtain general permit coverage to operate the portable facility throughout Washington State by submitting a completed and signed “Application for Coverage for Portable Operations” form (ECY 070-35) to Ecology. *New facilities* (i.e. facilities that did not operate in Washington State prior to February 4, 2005) shall comply with S1.C.3 at the time of application. No discharge is authorized until the effective date of permit coverage as provided in Special Condition S1.E.

Permit coverage will apply only to the specific portable facility identified in the “*Application for Coverage for Portable Operations*” form. Permit coverage is provided for the portable facility at *sites* throughout the state subject to the following requirements:

1. Coverage of the portable facility at a *site* is for a limited time, not to exceed one (1) year. However, when related to a specific project, one six-month extension may be granted upon request. The request must be submitted to Ecology in writing, at least 30 days before the facility will exceed one year at a *site* and explain why a six-month extension is warranted.
2. The Permittee of the portable facility shall submit a completed and signed “Portable Facility Notification of Intent to Begin Operation” form (ECY 070-36) no less than ten (10) days before beginning each operation at a new location. The form shall be sent to the *Water Quality* Permit Coordinator at the appropriate Ecology regional office for where the *site* and operation is located.
3. Upon completion of the portable operation, all areas affected by the operation shall be restored in accordance with the “*Site Restoration*” portion of the “Notice of Intent to Begin Operations” form submitted to Ecology prior to beginning operations.

Site restoration shall include:

- a. Cleaning up, or otherwise preventing the discharge of, *any pollutant* (including spilled petroleum products) to *waters of the state*, **and**
- b. Stabilizing all areas affected by activities associated with the portable operation with a permanent vegetative cover or equivalent permanent *stabilization* measure (crushed rock surfacing, rip rap, etc.) which will prevent *erosion*.

4. The Permittee shall submit a completed and signed “Portable Facility Notice of Completion of Portable Operations” form (ECY 070-30) to the *Water Quality* Permit Coordinator at the appropriate Ecology regional office when:
 - a. All activities associated with the portable operation have ceased,
and
 - b. All equipment associated with the operation has been removed,
and
 - c. All land affected by the portable operation have been restored in accordance with S1.D.3.

E. Permit Coverage Timeline

1. Unless Ecology notifies the applicant in writing to the contrary, coverage under this general permit will begin on the later of the following:
 - a. The thirty-first (31st) day after Ecology receives the completed *application for coverage*;
 - b. The thirty-first (31st) day after the end of a thirty (30) day public comment period; or
 - c. The effective date of the general permit.
2. If the application is incomplete, an appeal has been filed, public comments have been received, or more information is necessary to determine whether a facility requires coverage under the general permit, additional time may be required to review the application. When additional time is required:
 - a. Ecology will notify the applicant in writing and identify the issues that must be resolved before a decision can be reached.
 - b. Ecology will send the final decision to the applicant in writing. If the *application for coverage* is approved, coverage begins the thirty-first (31st) day after approval.
3. If the applicant has an individual permit but applies for coverage under the general permit, the individual permit will remain in effect until terminated in writing by Ecology. However, an expired individual permit, pursuant to WAC 173-220-180(5), will terminate upon coverage by the general permit.

F. Reporting Change in Operating Status

Any facility that changes operating status from *active* to *inactive*, or *inactive* to *active*, shall submit an “Operating Status Change Form” (ECY 070-331) to Ecology as follows:

1. If the change is from *inactive* to *active*, the form shall be submitted no less than ten (10) days before the change.
2. If the change is from *active* to *inactive*, the form must be submitted no later than ten (10) days after the change.

The failure to accurately report changes in operating status is a permit violation.

G. Terminating Coverage

A Permittee may request termination (cancellation) of permit coverage for a *closed site* by submitting a “Change Request Form” (ECY 070-32). In addition to discontinuing all activities at the *site*, restoration of the *site* must be completed.

1. A mining *site* is considered restored when DNR has completely released the reclamation bond or if not subject to DNR reclamation, the *site* has been reclaimed to the satisfaction of the Ecology permit manager.
2. Processing *sites* (includes concrete and asphalt batch operations) are considered restored when processing equipment has been removed and the Ecology permit manager determines the *site* has been returned to an appropriate condition.
3. Permittees that operated a portable facility at one or more locations in Washington State may terminate statewide permit coverage if the permittee is in compliance with S1.D.4 at all *sites* where they have operated a portable facility under this permit.
4. If the permittee is prohibited by law from accessing the *site* to complete *site* restoration, the permittee may request termination by submitting to Ecology a “Change Request Form” (ECY 070-32) along with documentation of the permittee’s inability to access the *site*.

S2 Monitoring Requirements and Effluent Limitations Matrix

Permittees shall comply with the following effluent limitations and monitoring requirements for *process water*, *mine dewatering water*, and *stormwater*. Additional effluent limitations and monitoring requirements are found in S3. and S4.

Type	SIC Code (refer to Appendix A)	Discharge to:	pH		Turbidity		Total Suspended Solids (TSS)		Temperature °F	Oil Sheen	Discharge Flow (gpm)	Total Dissolved Solids (TDS)
			Min	Max	Monthly Avg.	Max Daily	Monthly Avg.	Max Daily				
Process Water, Mine Dewatering Water	0811, 1422, 1423, 1429, 1442, 2411	Surface	Quarterly		Two/Month		Quarterly		Weekly	Daily	see S2.A.6	----
			6.5	8.5	50 NTU	50 NTU	40 mg/l	80 mg/l		Visible Sheen	----	----
		Ground	Quarterly		----		----		----	Daily	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
	1411, 1455, 1459, 1499, 2951	Surface	----Surface Water Discharge Not Permitted----									
		Ground	Quarterly		----		----		----	Daily	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
	1446	Surface	Quarterly		Two/Month		Quarterly		Weekly	Daily	see S2.A.6	----
			6.5	8.5	50 NTU	50 NTU	25 mg/l	45 mg/l		Visible Sheen	----	----
		Ground	Quarterly		----		----		----	Daily	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
	3273, 3272	Surface	Monthly		Two/Month		Quarterly		Weekly	Daily	see S2.A.6	Monthly
			6.5	8.5	50 NTU	50 NTU	40 mg/l	80 mg/l		Visible Sheen	----	(No limit)
		Ground	Monthly		----		----		----	Daily	----	Monthly
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	500 mg/l (see S2.A.5)
Stormwater (Type 2 & 3)	3273, 3272	Surface	Monthly		Two/Month		----		Weekly	Daily	see S2.A.6	----
			6.5	8.5	50 NTU	50 NTU	----	----		Visible Sheen	----	----
		Ground	Monthly		----		----		----	Daily	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
	0811, 1411, 1422, 1423, 1429, 1446, 1455, 1459, 1499, 2411, 2951	Surface	Quarterly		Two/Month		----		Weekly	Daily	see S2.A.6	----
			6.5	8.5	50 NTU	50 NTU	----	----		Visible Sheen	----	----
		Ground	Quarterly		----		----		----	Daily	----	----
			6.5	8.5	----	----	----	----	----	Visible Sheen	----	----
	1442	Surface	----		Two/Month		----		Weekly	Daily	see S2.A.6	----
			----	----	50 NTU	50 NTU	----	----		Visible Sheen	----	----
		Ground	----		----		----		----	Daily	----	----
			----	----	----	----	----	----	----	Visible Sheen	----	----

A. Notes for the Monitoring Requirements and Effluent Limitations Matrix

The following information clarifies information in the matrix in Condition S2.

1. The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month. This is calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
2. The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the average measurement of a *pollutant* during a calendar day.
3. When required to sample *turbidity* twice a month there must be at least 24 hours between sampling.
4. Temperature monitoring is only required during the months of July, August, and September.
5. Ready-Mixed Concrete Facilities (SIC Code 3273) *TDS* value: The value in the Matrix is not an effluent limitation, rather it is a trigger for additional monitoring and *pollution* prevention requirements. If a facility exceeds 500 *mg/l TDS* in any *discharge to ground water* the Permittee is required to comply with the *pollution* prevention schedule in Appendix C.
6. For discharges to surface water, measure/estimate discharge flow (gallons per minute), each time *turbidity* or temperature sampling is conducted.
7. The limits and monitoring requirements for discharges of *process water* from facilities in SIC 2951, Asphalt Paving Mixtures and Blocks, are only applicable for 18 months after the effective date of the permit, i.e. August 4, 2006. After August 4, 2006, this permit does not authorize the discharge of asphalt *process water* to *waters of the state*.

S3 Additional Discharge Limitations

Discharges shall not cause or contribute to a violation of: Ground Water Quality Standards (Chapter 172-200 WAC), Surface Water Quality Standards (Chapter 173-201A WAC), or Sediment Management Standards (Chapter 173-204 WAC) of the State of Washington; and 40 CFR 131.

A. Discharges to Surface Water — Effluent Limitations

The Permittee is authorized to discharge *process water*, *mine dewatering water*, and *stormwater* to *surface waters of the state* at the permitted location subject to the numeric effluent limitations in Condition S2. If the discharges from two or more industrial activities are combined, the most stringent effluent limitations apply.

1. The following operations are not allowed to discharge *process water* to *surface waters of the state*:
 SIC 2951, Asphalt Batch Plants
 SIC 1411, Dimension Stone
 SIC 1455, Kaolin and Ball Clay
 SIC 1459, Clay, Ceramic, & Refractory Mineral Not Elsewhere Classified
 SIC 1499, Miscellaneous Nonmetallic Minerals, Except Fuels
2. Discharges shall not cause a visible increase in *turbidity* or objectionable color; or cause visible oil sheen in the *receiving water*.
3. *New facilities* and *existing facilities* shall comply with *TMDL wasteload allocations* (for *turbidity*, *fine sediment*, *pH* and/or *temperature*) developed from a *TMDL* which was completed prior to the date permit coverage is issued.
4. *New facilities* that propose to discharge to an impaired water body that is on the *current EPA-approved 303(d) list*, but without a completed *TMDL*, shall not discharge the listed *pollutant* (*turbidity*, *fine sediment*, *pH* or *temperature*) at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard in the *receiving water*.
5. *Existing facilities* that discharge to an impaired waterbody on the *current EPA-approved 303(d) list* shall not increase the loading of the listed *pollutant* (*turbidity*, *fine sediment*, *pH* or *temperature*) for the duration of the coverage of this permit or until a *wasteload allocation* is assigned from a completed *TMDL*.

B. Discharges to Ground Water — Effluent Limitations

The Permittee is authorized to discharge *process water*, *mine dewatering water*, and *stormwater* to *ground water* at the permitted location subject to the numeric effluent limitations in Condition S2. If the discharges from two or more industrial activities are combined, the most stringent effluent limitations apply.

1. There shall be no visible oil sheen at any points of *discharge to ground water*.
2. Any discharge to a pond, lagoon, or other type of impoundment or storage facility that is unlined is considered a *discharge to ground water* and is subject to the *ground water quality* standards (Chapter 173-200 WAC).
3. Industrial discharges below the surface of the ground, such as to a dry well, drainfield, or injection well shall comply with the Underground Injection Control Program regulations (Chapter 173-218 WAC).
4. Beginning 18 months from the effective date of this permit (August 4, 2006), *process water* from Asphalt facilities (SIC 2951, Asphalt Paving Mixtures and Blocks) shall not be discharged to *ground water*.

C. Discharge to Sanitary Sewers

Discharge of *stormwater* to *sanitary sewers* is prohibited.

S4 Additional Monitoring Requirements

A. Discharges to Surface Water

1. All discharges of *process water*, *mine dewatering water*, *Type 2 stormwater* and *Type 3 stormwater* to *surface waters of the state*, or to a *storm sewer* that drains to *surface waters of the state*, shall be monitored according to the matrix in Condition S2.
2. The Permittee is required to provide *representative sampling* of discharges to *surface water*. *Representative sampling* of *Type 2 stormwater* and *Type 3 stormwater* requires sufficient number of sample locations to represent differences in *stormwater* quality. Sampling shall be conducted as close to the point where the discharge comes into contact with the *receiving water* as is reasonably achievable.
3. The Permittee shall conduct a visual inspection of the point of discharge to *surface water* at least once a month when discharges occur. The date of the inspection, and any visible change in *turbidity* or color in the *receiving water* caused by the discharge, shall be recorded and filed with the monitoring plan required by Condition S5.
4. Facilities may reduce the frequency of *turbidity* monitoring if:
 - a. The facility has demonstrated continuous compliance with permit terms and conditions for a period of 18 consecutive months; and
 - b. The Permittee submits to Ecology, a “Request to Reduce Frequency of *Turbidity* Monitoring in *Surface Water Discharges*” form (ECY 070-34); and
 - c. An Ecology inspection and review of *turbidity* data supports the likelihood of continued compliance; and
 - d. Ecology provides written approval to the facility.

After the Permittee receives written approval from Ecology, monitoring will be reduced from two times a month to one time a quarter. Ecology may restore the original monitoring frequency (two times a month), by written notice, when a facility implements a significant process change or if the facility violates the *turbidity* limit in Conditions S2 or S3.

5. *New facilities* that discharge to a segment of a waterbody on the *current EPA-approved 303(d) list* for *turbidity* or *fine sediment* must conduct *turbidity* monitoring in accordance with an Ecology-approved monitoring

plan that includes *receiving water* monitoring to demonstrate compliance with the applicable *turbidity* standard (WAC 173-201A-030).

6. No later than January 30, 2008, permittees that discharge *process water*, *mine dewatering water*, *Type 2 stormwater* or *Type 3 stormwater* to *surface waters of the state* shall submit a Receiving Water Flow Report to Ecology which estimates the typical low flow of the *receiving water* at the time of *critical condition* for *turbidity* and temperature. Facilities that do not discharge year-round (i.e. discharge seasonally) should estimate and report the typical low flow of the *receiving water* for the time of year that discharges occur. Flow shall be reported as cubic feet per second or gallons per minute. Receiving Water Flow Reports shall be submitted to: Department of Ecology, Water Quality Program, Technical Services Unit, PO Box 47600, Olympia, WA 98504-7600, Attn: Sand and Gravel – Receiving Water Flow Report.

B. Discharges to Ground Water

1. All discharges of *process water*, *mine dewatering water*, *Type 2 stormwater* and *Type 3 stormwater* to *ground water* shall be monitored according to the matrix in Condition S2.
2. The Permittee is required to provide *representative sampling* of discharges to ground. *Representative sampling* shall include discharges of *process water* and *mine dewatering water* to unlined ponds, infiltration structures, and land application *sites*; or may include sampling *ground water quality* from monitoring wells in accordance with an Ecology-approved *ground water* impact study based on Ecology Publication 96-02 (Implementation Guidance for the *Ground Water* Quality Standards). *Representative sampling* of *stormwater* requires sufficient number of sample locations to represent significant differences in *stormwater* quality.
3. Ready-Mixed Concrete Facilities (SIC Code 3273) that exceed 500 mg/l *total dissolved solids (TDS)* in any *discharge to ground water* are required to comply with the *pollution* prevention schedule in Appendix C.

C. Stormwater Monitoring at Inactive Sites

Stormwater monitoring is not required at *inactive sites* unless the following occurs:

1. The permittee or operator adds or withdraws raw materials or finished products from stockpiles; **and**
2. The *site* has a discharge of *stormwater* to *surface waters of the state*.

All *inactive sites* are still subject to the discharge limits for *stormwater* and shall maintain *BMPs* necessary to ensure compliance.

D. Monitoring for Oil Sheen

At *active sites*, Permittees shall conduct visual monitoring for oil sheen at all *surface water* or *ground water* discharge points (or representative locations where water collects prior to discharge) each day that equipment operates. If oil sheen is present, cleanup shall occur and the event shall be reported on the Discharge Monitoring Report (DMR) form, identifying the probable cause of the oil sheen and the actions taken to prevent further contamination.

E. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters. This shall include *representative sampling* of any unusual discharge or discharge condition, including *bypasses*, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and *wastewater* monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

F. Laboratory Accreditation

All monitoring data required by Ecology shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, *turbidity*, settleable solids, conductivity, *pH*, and internal process control parameters are exempt from this requirement. When an accredited laboratory prepares the conductivity and *pH* data, the laboratory shall be accredited for conductivity and *pH*.

S5 Monitoring Plan

At *active sites*, Permittees shall maintain and comply with a monitoring plan developed in accordance with Special Conditions S2, S4, and S5. Permittee shall retain the monitoring plan and permit on *site* or within reasonable access to the *site* and make them immediately available, upon request, to Ecology or local jurisdiction. In addition, the monitoring plan shall be made available to the public when requested in writing to do so. The responsible party as identified in General Condition G20 shall sign the monitoring plan and all of its modifications.

A. Monitoring Plan Requirements

The monitoring plan will identify the required parameters for monitoring, the

frequency of sampling, the location(s) for sampling, and the procedures for sampling.

1. The plan will list all the industrial activities at the *site*.
2. The Permittee will review the monitoring requirements of Special Condition S2, S3, S4 and S5 and identify in the plan those parameters that require monitoring and the frequency of monitoring.
 - a. Where a discharge combines two or more industrial activities and each activity requires the same monitoring parameter and frequency, only one sample and analysis for that parameter will be required.
 - b. No sampling is required of water held in a lined impoundment that is designed, constructed, and maintained in accordance with Special Condition S7.B. Any discharges from a lined impoundment to *waters of the state* must be sampled in accordance with the monitoring plan.
3. The plan, including a *site* map, will identify the location of all sampling points, the types of discharges that occur at each point (e.g. *process water*, *mine dewatering water* and *stormwater*), and whether the discharge is to *surface water* or *ground water*. The plan shall identify enough sample points to provide *representative sampling* of all *point source* discharges to *surface water* or *ground water*.
4. The plan will assign a unique label (e.g. S1, S2, etc.) to each sampling point. These labels shall also be used on Discharge Monitoring Reports (DMRs).
5. The plan will list the standard procedures used at the facility for collecting samples for analysis.
 - a. The USEPA NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001, July 1992), or How to Do Stormwater Sampling — A guide for industrial facilities (Ecology Publication 02-10-071), or equivalent sampling methods, shall be used as guidance for *stormwater*, *mine dewatering water*, and *process water* sampling procedures.
 - b. Samples taken to meet the requirements of this general permit shall be collected during the facility's normal working hours and while processing at normal levels.

B. Maintaining Monitoring Plan

1. The plan shall be reviewed once a year and updated, as necessary, to represent changes in facility conditions.

2. If facility conditions require the addition or deletion of a sampling point, the Permittee will inform Ecology in writing of the addition/deletion when submitting a discharge monitoring report (DMR) that contains the new information.

S6 Reporting and Recordkeeping Requirements

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology shall constitute a violation of the terms and conditions of this permit.

A. Discharge Monitoring Reports

1. The Permittee shall submit a “Discharge Monitoring Report (DMR)” form on a quarterly basis for all:
 - a. *active sites*, whether or not the facility was discharging, and
 - b. *inactive sites* required to conduct *stormwater* monitoring per S4.C.
2. If there was no discharge, or if the facility was not operating during a given monitoring period, submit the form as required and with the words “no discharge” on the DMR form in place of the monitoring results.
3. The first monitoring period starts on the date the permit coverage begins. Monitoring results obtained during the previous three (3) months shall be reported on the DMR provided, or otherwise approved, by Ecology.
4. The Permittee shall submit DMRs to the *Water Quality* Permit Coordinator at the appropriate regional office that issued coverage under the general permit. DMRs shall be received by Ecology according to the schedule below:

Discharge Monitoring Period	DMR due on or before:
October, November, December	January 30
January, February, March	April 30
April, May, June	July 30
July, August, September	October 30
Note: If a Permittee is covered under this permit for only part of a monitoring period, they shall submit a DMR for the period of time that they are in active status (see S4.D).	

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of *pollutants* by the Permittee or when requested by the *Director*. Records shall include all calibration and maintenance records and all original recordings for continuous monitoring

instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit.

C. Recording of Results

The Permittee shall record, for each measurement or sample taken, the following information:

1. The date, exact place, method, and time of sampling;
2. The individual who performed the sampling or measurement;
3. The dates the analyses were performed;
4. Who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all analyses.

D. Additional Monitoring by the Permittee

Any Permittee that monitors any *pollutant* more frequently than required in Conditions S2 or S4 shall include those results in the calculation and reporting of the data submitted in the DMRs or other reporting requirements.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms, conditions or discharge limits, due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately;
2. Notify the Ecology Regional Sand and Gravel Permit Manager orally within 24 hours of when the permittee becomes aware of the circumstances; and
3. Submit a detailed written report to Ecology within 30 days, five days for upsets and *bypasses*, unless requested earlier by Ecology. The report shall describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the re-sampling, and any other pertinent information. Data from re-sampling shall not be substituted for ongoing permit monitoring required under Special Condition S2, S3 and S4 and shall not be reported on the DMR.

Compliance with this condition does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S7 Water Management

A. Lined Impoundment Required

This permit prohibits the direct discharge of *process water* from Concrete Batch Plants (SIC 3273) and Asphalt Batch Plants (SIC 2951), including any *wastewater* from truck washout areas, except to a lined impoundment. The lined impoundment shall have adequate structural load-bearing design to support any mechanical method used for sludge removal and shall be maintained to prevent any *discharge to ground water*. After treatment, the *wastewater* may be discharged subject to the limits set forth in Conditions S2 and S3. At a minimum, the lined impoundment shall be constructed of:

1. Synthetic or flexible membrane material, not less than 30 mils thick, that shall not react with the discharge; or
2. Concrete with a minimum thickness of 6 inches; or
3. Asphalt with a minimum thickness of 6 inches; or
4. Steel-walled containment tank; or
5. Any other functionally equivalent impoundment, structure, or technique that is based on standard engineering practices, and approved by Ecology to meet the intent of this section.

B. Impoundment Capacity

Any impoundment shall have adequate capacity to provide treatment of *wastewater* except when the *design storm (10-year, 24-hour precipitation event)* is exceeded and *All Known, Available, and Reasonable Methods of Prevention, Control, and Treatment (AKART)* has been applied.

C. Maintenance Shop Zero Discharge

No *wastewater* shall be discharged to *surface water* or *ground water* from a maintenance shop unless the following criteria apply:

1. The maintenance shop exists at the time permit coverage begins; and
2. A discharge to *sanitary sewer* is not available; and
3. Adequate treatment before discharge is provided; and
4. The discharge will not cause or contribute to a violation of the *surface water* or *ground water quality* standards.

D. Mined Pit Pond

Discharges to a mined pit pond are not required to comply with TSS and *turbidity* limits prior to final reclamation. When reclamation is complete, discharges to the

pond shall not cause or contribute to a violation of *surface water quality* standards (Chapter 173-201A WAC).

E. Use of Chemical Treatment Additives/Soil Stabilization Polymers

The Permittee shall document the use of any chemicals used to treat water discharged to *waters of the state*, or used to stabilize soils. Documentation shall identify the chemicals or polymers used, their commercial source, the material safety data sheet, and the appropriate application rate. The Permittee shall retain this information on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology.

Chemicals used to enhance solids settling before discharge to *surface water* or to stabilize soils must be applied according to the manufacturer's instructions and only if the toxicity to aquatic organisms is known. Chemicals may only be used to stabilize soils if the *stormwater* from the chemical application area is routed to and treated by a *stormwater* detention pond.

In addition, chemical treatment/soil *stabilization* shall:

1. Be consistent with Ecology's *Stormwater Management Manuals*, or
2. Be consistent with other methods approved by Ecology's *Stormwater Technical Review Committee* or *Chemical Technology Review Committee*, or
3. Use chemical treatment additives at a dosing rate of less than 50% of the *LC₅₀* concentration.

F. Ligninsulfonate Use Prohibited

Ligninsulfonate shall not be used for dust suppression in excavated areas, including areas where topsoil has been removed.

G. Physical Coverage of Toxic Materials

The following materials shall be covered and contained to prevent *stormwater* contamination:

1. Toxic materials or chemicals,
2. Petroleum contaminated soils (PCS) that fail to meet the most protective MTCA Method 'A' treatment levels (WAC 173-340-740(2)),
3. Cement,
4. Admixtures,
5. Fuels, lubricants, tar and other petroleum products, and
6. Asphalt concrete that has not been used for construction.

H. Design Criteria for Ditches and Open Channels

Any ditch, channel, or other *Best Management Practices (BMPs)* used for routing water shall be designed, constructed, and maintained to contain all flows except:

1. When designed to infiltrate *Type 1 stormwater*, or
2. When precipitation exceeds the *design storm* (10-year, 24-hour event)

I. Asphalt/Concrete Stormwater Control

Type 3 stormwater from an asphalt plant, concrete batch plant, asphalt release agent application area, or concrete truck washout area shall not be discharged into a pit or excavation that penetrates the water table.

S8 Operation and Maintenance

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Lined Impoundment Inspections

The structural integrity of a lined impoundment shall be inspected whenever sludge removal occurs. Necessary repairs shall be made before refilling.

B. Unauthorized Use of Site

The Permittee shall maintain and manage permitted *sites* to prevent unauthorized activities such as illegal dumping, spilling, or other misuse of the *site* that could discharge *pollutants* to *waters of the state*. Appropriate *site* management may include, but is not limited to, visual inspections, signage, and physical security measures.

S9 Stormwater Pollution Prevention Plan

A. General Requirements

All Permittees shall have a *Stormwater Pollution Prevention Plan (SWPPP)* specifically developed for each facility. The *SWPPP* shall be fully implemented and updated to maintain compliance with the permit conditions.

1. The *SWPPP* shall be consistent with permit requirements and include the *BMPs* necessary to provide *AKART*. It must also include any additional *BMPs* as necessary to comply with state *water quality* standards.
2. The Permittee(s) shall retain the *SWPPP* and permit on *site* or within reasonable access to the *site* and make it immediately available, upon

request, to Ecology or the local jurisdiction. In addition, a copy of the *SWPPP* shall be provided to Ecology or the public when requested in writing to do so. The responsible party as identified in General Condition G20 shall sign the *SWPPP* and all of its modifications.

3. The *SWPPP* shall include measures to prevent the addition of *process water* or *mine dewatering water* into *stormwater* and measures to verify that *non-stormwater* discharges do not enter the *stormwater* treatment system. *Stormwater* that commingles with *process water* is considered *process water* and is subject to all permit conditions for *process water*.
4. Modifications
 - a. The Permittee shall review and modify the *SWPPP* as necessary, whenever there is a violation of *stormwater* discharge limits in Special Conditions S2 and S3. Additional or modified *BMPs* shall be implemented as soon as possible.
 - b. Ecology may require the Permittee to modify the *SWPPP* if it does not comply with the minimum requirements of this section. *SWPPP* modifications, and the implementation of additional or modified *BMPs*, shall be completed as soon as possible.
5. The Permittee may include in the *SWPPP* by reference, applicable portions of plans prepared for other purposes (e.g. *Pollution* Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW). The referenced plans shall be available on *site* or within reasonable access to the *site* and become enforceable requirements of the *SWPPP*.
6. *Stormwater BMPs* shall be consistent with:
 - a. The *Stormwater Management Manual* for Western Washington, for *sites* west of the crest of the Cascade Mountains; or
 - b. The *Stormwater Management Manual* for Eastern Washington, for *sites* east of the crest of the Cascade Mountains; or
 - c. Other equivalent *stormwater* management guidance documents approved by Ecology; or
 - d. Documentation in the *SWPPP* that the *BMPs* selected provides an equivalent level of *pollution* prevention, compared to the applicable *Stormwater Management Manual*, including:
 - i. The technical basis for the selection of all *stormwater BMPs* (scientific, technical studies, and/or modeling) which support the performance claims for the *BMPs* being selected; and

- ii. An assessment of how the selected *BMP* will satisfy *AKART* requirements and the applicable federal technology-based treatment requirements under *40 CFR* part 125.3.

B. SWPPP Contents and Requirements

The *SWPPP* shall contain, at a minimum, the following:

1. *Site Map*

The *site* map will locate and document the *stormwater* drainage and discharge structures, an outline of the *stormwater* drainage areas for each *stormwater* discharge point (including discharges to *ground water*). The *site* map shall also identify nearby and on-site *surface water* bodies and any known underlying aquifers.

The *site* map shall also identify all areas associated with industrial activities including, but not limited to, the following:

- a. Loading and unloading of dry bulk materials or liquids,
- b. Outdoor storage of materials or products,
- c. Outdoor processing,
- d. Processes that generate dust and particles,
- e. Roofs or other surfaces exposed to air emissions from a process area,
- f. On-site waste treatment, storage, or disposal,
- g. Vehicle and equipment maintenance and/or cleaning,
- h. Paved areas and buildings, and
- i. Underground storage of materials or products.

Lands adjacent to the *site* shall also be depicted where helpful in identifying discharge points or drainage routes.

2. *Inventory of Materials*

The inventory of materials shall include a list of all types of materials handled at the *site* that are exposed to precipitation or run-off (e.g. raw materials, cement admixtures, petroleum products, etc.).

3. *Source Control BMPs*

The *SWPPP* shall include *source control BMPs* as necessary to achieve *AKART* and compliance with the *stormwater* discharge limits in S2 and S3.

Source control BMPs include, but are not limited to *BMPs* for:

- a. Fueling at Dedicated Stations
- b. Mobile Fueling

- c. Loading and Unloading Areas
- d. Storage of Liquid in Above-Ground Tanks
- e. Washing or Steam Cleaning Vehicles/Equipment
- f. Dust Control
- g. Stabilized Entrances and Parking Areas
- h. Wheel Washes/Tire Baths
- i. Storage or Transfer of Solid Raw Materials, By-Products or Finished Products

4. Runoff Conveyance and *Treatment BMPs*

The *SWPPP* shall include *runoff conveyance* and *treatment BMPs* as necessary to achieve *AKART* and compliance with the *stormwater* discharge limits in S2 and S3.

Runoff conveyance *BMPs* include, but are not limited to:

- a. Interceptor dikes,
- b. Swales,
- c. Channel lining,
- d. Pipe slope drains, and
- e. Outlet protection.

Treatment BMPs may include, but are not limited to:

- a. Oil/water separators,
- b. Biofiltration swales,
- c. Infiltration or detention basins,
- d. *Sediment* traps,
- e. Chemical treatment systems, and
- f. *Constructed wetlands*.

5. Innovative *BMPs*

Innovative treatment, source control, reduction or recycling, or operational *BMPs* beyond those identified in Ecology's *SWMMs* are encouraged if they help achieve compliance with this general permit.

6. *Erosion and Sediment Control Plan (ESCP)*

SWPPPs for *sites* with mining, land clearing, or soil disturbing activities shall include an *Erosion and Sediment Control Plan (ESCP)* for *Type 2 stormwater*. The *ESCP* shall identify and describe the *erosion and sediment control BMPs* implemented at the facility and a schedule for *BMP* implementation.

- a. *Stabilization BMPs* shall be initiated as soon as practicable on portions of the *site* where mining activities have temporarily or

permanently ceased.

- i. All soils shall be stabilized and protected from *erosion* by the timely application of effective *BMPs*.
- ii. Existing *vegetation* should be preserved where feasible. In the field, areas that are not to be disturbed shall be permanently marked; these include setbacks, sensitive/critical areas and their buffers, trees, and drainage courses.
- iii. Cut slopes and fill slopes shall be designed and constructed in a manner that will minimize *erosion*.
- iv. *Stabilization* shall be provided at the outlets of all conveyance systems to prevent *erosion*.

b. Runoff Conveyance and *Treatment BMPs*

The *ESCP* shall include a description of runoff conveyance and *treatment BMPs* used to prevent *erosion* and *sedimentation*. The installation of these devices may be subject to Section 404 of the Federal *Clean Water Act*. The plan shall ensure that the following requirements are satisfied:

- i. Properties adjacent to the project *site* shall be protected from *erosion* and *sedimentation* related to the facility.
- ii. *Sediment* ponds and traps, perimeter dikes, *sediment* barriers, and other *BMPs* intended to trap *sediment* on *site* shall be constructed as a first step. These *BMPs* shall be functional before land is disturbed. Slopes of earthen structures used for *sediment* control such as dams, dikes, and diversions shall be stabilized immediately after construction.
- iii. Any *BMP* constructed at an *active site* should be designed to maintain separation of *Type 2 stormwater* from *Type 3 stormwater* and *Type 1 stormwater* during the peak flow from the *design storm*. If any commingling of *Type 1*, *Type 2*, or *Type 3 stormwater* occurs, the most restrictive permit requirements shall be met.

S10 Stormwater Inspections

At a minimum, the Permittee shall conduct two *stormwater* inspections each year at all *active sites* covered under this permit. At least one inspection will be conducted during the wet season (October 1 – April 30) and at least one inspection will be conducted during the dry season (May 1 – September 30).

A. Wet Season Inspection

The wet season inspection shall be conducted by personnel named in the *SWPPP* and shall include observations for the presence of floating materials, suspended solids, oil and grease, discoloration, *turbidity*, odor, etc. in the *stormwater* discharge(s).

The inspection shall be conducted during a rainfall event adequate in intensity and duration to verify that:

1. The description of potential *pollutant* sources required under this permit is accurate;
2. The *site* map as required in the *SWPPP* (Special Condition S9.B.1) has been updated or otherwise modified to reflect current conditions; and
3. The controls to reduce *pollutants* in *stormwater* discharges associated with industrial activity identified in the *SWPPP* are being implemented and are adequate.

B. Dry Season Inspection

The dry season inspection shall be conducted by personnel named in the *SWPPP* and after at least seven (7) consecutive days of no precipitation. The inspection shall determine the presence of *non-stormwater* discharges such as *process water* to the *stormwater drainage system*. If a discharge related directly or indirectly to *process water* is discovered, the Permittee shall comply with non-compliance notification requirements of Special Condition S6.E. and shall eliminate the discharge within ten (10) days. If the discharge cannot be eliminated within ten days, the discharge shall be considered *process water* and subject to all *process water* conditions of this general permit.

C. Maintenance

All *BMPs* shall be inspected, maintained, and repaired to assure continued performance of their intended function.

D. Erosion and Sediment Control Inspections

1. At *active sites* that discharge to *surface water*, all on-site *erosion* and *sediment* control *BMPs* shall be inspected at least once every seven days,

and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period. A file containing a log of observations shall be maintained as part of the *Erosion and Sediment Control Plan (ESCP)*.

2. *Inactive sites* that are inactive for a period of three years or longer, and have the potential to discharge *stormwater* off *site*, a Registered Professional Engineer, or equivalent (e.g. Licensed Professional Geologist, Certified Professional in *Erosion and Sediment Control*, etc.) shall certify every three years that the facility is in compliance with this general permit. The certification shall be maintained as part of the *Erosion and Sediment Control Plan (ESCP)*.

E. Inspection Report

A report on each inspection shall be prepared and retained as part of the *SWPPP*. The report will summarize the:

1. Scope of the inspection,
2. Personnel conducting the inspection,
3. Date(s) of the inspection,
4. Major observations relating to the implementation of the *SWPPP*, and
5. Any actions taken as a result of the inspection.

The report shall be signed in accordance with Condition G20 and shall certify that the discharge of *stormwater* has been investigated for the presence of *non-stormwater*.

S11 Spill Control Plan

The Permittee shall retain the Spill Control Plan on *site* or within reasonable access to the *site* and make it immediately available, upon request, to Ecology or the local jurisdiction. In addition, a copy of the Spill Control Plan shall be provided to Ecology or the public when requested in writing to do so. The responsible party as identified in Condition G20 shall sign the Spill Control Plan and all of its modifications.

A. Materials of Concern

The Permittee shall maintain and comply with a Spill Control Plan for the prevention, containment, control and cleanup of spills or unplanned discharges of:

1. Oil and petroleum products including accidental release from equipment,
2. Materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, and
3. Other materials which may become *pollutants* or cause *pollution* upon reaching *waters of the state*.

B. Spill Control Plan Contents

The Permittee will review and update the Spill Control Plan, as needed, but at least annually. The Spill Control Plan will include the following:

1. A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill,
2. A list of equipment and materials on *site* that have the potential to leak or spill,
3. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials, and
4. Specific handling procedures and storage requirements for materials kept on *site*.

C. Spill Response

The Permittee shall have the necessary cleanup materials available and respond to all spills in a timely fashion, preventing their discharge to *waters of the state*. All employees shall receive appropriate training to assure all spills are reported and responded to appropriately.

S12 Solid Waste Disposal

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material, including material from cleaning catch basins and any sludge generated by impounding *process water* or *stormwater*, in such a manner as to prevent its entry into *waters of the state*. Disposal shall comply with all applicable local, state, and federal regulations.

B. Leachate

The Permittee shall not allow *leachate* from solid waste material to enter *waters of the state* without providing *AKART*, nor allow such *leachate* to cause or contribute to violations of the State Surface *Water Quality* Standards, Chapter 173-201A WAC, or the State *Ground Water Quality* Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to *waters of the state*.

GENERAL CONDITIONS

G1 Discharge Violations

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. The discharge of any *pollutant* more frequently than, or at a concentration in excess of, that authorized by this general permit shall constitute a violation of the terms and conditions of this general permit.

G2 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for *pollution* control.

G3 Reduced Production for Compliance

The Permittee, in order to maintain compliance with their general permit, shall control production and/or all discharges upon reduction, loss, failure, or *bypass* of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G4 Bypass Procedures

The Permittee shall immediately notify Ecology of any spill, overflow, or *bypass* from any portion of the *wastewater* collection or treatment system.

The *bypass* of wastes from any portion of the *wastewater* treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

- A. Unavoidable Bypass -- *Bypass* is unavoidable to prevent loss of life, personal injury, or *severe property damage*.

If the resulting *bypass* from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify Ecology in accordance with Special Condition S6.E. "Noncompliance Notification."

- B. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions - - *Bypass* is authorized by an administrative order issued by Ecology. The Permittee shall apply to Ecology for the administrative order at least thirty (30) days before the planned date of *bypass*. The written submission shall contain (1) a description of the *bypass* and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for *bypassing*; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of *bypass* under each

alternative; (5) a recommendation as to the preferred alternative for conducting the *bypass*; (6) the projected date of *bypass* initiation; (7) a statement of compliance with *SEPA*; (8) a request for a *water quality* modification, as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the *bypass*.

For probable construction *bypasses*, the need to *bypass* is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to *bypass* is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the *bypass*.

Ecology will consider the following prior to authorizing a *bypass*:

1. If the *bypass* is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
2. If there are feasible alternatives to *bypass*, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
3. If the *bypass* is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed *bypass* and any other relevant factors, Ecology will approve or deny the request. The public shall be notified and given an opportunity to comment on *bypass* incidents of significant duration, to the extent feasible. Approval of a request to *bypass* will be by administrative order issued by Ecology under RCW 90.48.120.

- C. *Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions* -- *Bypass* is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by Ecology prior to the *bypass*.

G5 Right of Entry

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law to:

- A. Enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit;
- B. Have access to and copy at reasonable times any records that shall be kept under the terms of this permit;
- C. Inspect at reasonable times any monitoring equipment or method of monitoring required in this permit;
- D. Inspect at reasonable times any collection, treatment, *pollution* management, or discharge facilities; and
- E. Sample at reasonable times any discharge of *pollutants*.

G6 Notification of Change in Covered Activities

The Permittee shall submit a new *application for coverage* whenever facility expansions, production increases, or process modifications are anticipated that will:

- A. Result in new or substantially changed discharges of *pollutants*⁶; or
- B. Violate the terms and conditions of this permit. This new *application for coverage* shall be submitted at least 60 days prior to the proposed changes. Submission of the *application for coverage* does not relieve the Permittee of the duty to comply with the existing permit.

G7 Permit Coverage Revoked

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the *Director* may require any *discharger* authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

- A. Violation of any term or condition of this permit;
- B. Obtaining coverage under this permit by misrepresentation or failure to fully disclose all relevant facts;
- C. A change in any condition that requires a temporary or permanent reduction or elimination of the permitted discharge;
- D. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;

⁶ Substantial change of discharge for this industry group will be any modification of the facility that would change the characteristics of the discharge or include for coverage a new activity (SIC) that was not previously covered.

- E. A determination that the permitted activity endangers human health or the environment, or contributes to *water quality* standards violations;
- F. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;
- G. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or
- H. Incorporation of an approved local pretreatment program into a *municipality's* permit.

Permittees that have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G8 General Permit Modification and Revocation

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification or revocation and re-issuance include, but are not limited to, the following:

- A. When a change occurs in the technology or practices for control or abatement of *pollutants* applicable to the category of *dischargers* covered under this permit;
- B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW, for the category of *dischargers* covered under this permit;
- C. When a *water quality* management plan containing requirements applicable to the category of *dischargers* covered under this permit is approved; or
- D. When information is obtained that indicates the cumulative effects on the environment from *dischargers* covered under this permit are unacceptable.

G9 Reporting a Cause for Modification

A Permittee who knows, or has reason to believe, any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G6, or 40 *CFR* 122.62, shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new *application for coverage* under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new *application for coverage* has been approved and corresponding permit has been issued.

G10 Toxic Pollutants

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the *Clean Water Act* for toxic *pollutants* within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G11 Other Requirements of 40 CFR

All other requirements of *40 CFR* 122.41 and 122.42 are incorporated in this general permit by reference.

G12 Compliance with Other Laws and Statutes

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G13 Additional Monitoring

Ecology may establish additional specific monitoring requirements, including the installation of *ground water* monitoring wells, by administrative order or permit modification.

G14 Payment of Fees

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are not paid.

G15 Removed Substances

Collected screenings, grit, solids, sludges, filter backwash, or other *pollutants* removed in the course of treatment or control of *wastewaters* shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G16 Requests to be Excluded from Coverage Under a General Permit

Any *discharger* authorized by this permit may request to be excluded from coverage under the sand and gravel general permit by applying for an individual permit. The *discharger* shall submit to the *Director* an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. The *Director* shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a *discharger* otherwise subject to the sand and gravel general permit, the applicability of the sand and gravel general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G17 Permit Transfer

- A. Coverage under this permit is automatically transferred to a new owner or operator if:
 - 1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.
 - 2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
 - 3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke coverage under this permit.
- B. Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

G18 Duty to Reapply

The Permittee shall reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit continues in force and effect until a new permit is issued or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

G19 Penalties for Violating Permit Conditions

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

G20 Signatory Requirements

All applications for coverage and termination, plans (including the *SWPPP* and the *ESCP*), reports, certifications, or information submitted to Ecology or to the operator of a municipal *storm sewer* system or that this permit requires be maintained by the Permittee, shall be signed as follows:

- A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the

facility from which the discharge originates;

- B. In the case of a partnership, by a general partner;
- C. In the case of a sole proprietorship, by the proprietor; or
- D. In the case of a municipal, state, or other public agency, by either a principal executive officer, ranking elected official or other duly authorized employee.

G21 Appeals

The terms and conditions of the sand and gravel general permit:

- A. As they apply to the appropriate class of *dischargers* are subject to appeal within thirty (30) days of issuance of the sand and gravel general permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC; and
- B. As they apply to an individual *discharger* are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that *discharger*.

Consideration of an appeal of the sand and gravel general permit coverage of an individual *discharger* is limited to the applicability or non-applicability of the sand and gravel general permit to that same *discharger*. Appeal of this permit coverage of an individual *discharger* will not affect any other individual *dischargers*. If the terms and conditions of the sand and gravel general permit are found to be inapplicable to any *discharger(s)*, the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

G22 Severability

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.

APPENDIX A — Facilities Covered Under This Permit

The coverage provided in this general permit is limited to the specific facilities identified in Condition S1 and within the following *Standard Industrial Classification (SIC)* Codes, and the cited Subparts of *40 CFR* Part 436, Mineral Mining and Processing *Point Source* Category or *40 CFR* Part 443, Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources for The Paving and Roofing Materials (Tars and Asphalt) *Point Source* Category:

SIC Code 811 Timber Tracts

SIC Code 2411 Logging

Coverage for timber tracts and logging activities is limited to those mining activities associated with the forestry industry that classify as silvicultural *point source*. A silvicultural *point source* applies only to the production of materials for use in forest management. For this industry, covered activities are limited to rock crushing or gravel washing facilities that use a discernible, confined and discrete conveyance to discharge *pollutants* to *waters of the state*.

SIC Code 1411 Dimension Stone

40 CFR Part 436 Subpart A--Dimension Stone Subcategory

Coverage is provided for mining and quarrying of dimension stone, including rough blocks and slabs. The types of mines or quarries covered in this general permit are: basalt, diabase, diorite, dolomite, dolomitic marble, flagstone, gabbro, gneiss, granite, limestone, marble, quartzite, sandstone, serpentine, slate, and volcanic rock.

SIC Code 1422 Crushed and Broken Limestone

SIC Code 1423 Crushed and Broken Granite

SIC Code 1429 Crushed and Broken Stone, Not Elsewhere Classified

40 CFR Part 436 Subpart B--Crushed Stone Subcategory

Coverage is provided for mining, quarrying, and on-site processing of crushed and broken stone or riprap. The types of mines or quarries included in this category for this permit are: basalt, dolomite, dolomitic marble, granite, limestone, marble, quartzite sandstone, traprock, and volcanic rock. Processing means washing, screening, crushing, or otherwise preparing rock material for use.

SIC Code 1442 Construction Sand and Gravel

40 CFR Part 436 Subpart C--Construction Sand and Gravel Subcategory

Coverage is provided for mining and on-site processing of sand and gravel for construction or fill purposes. Processing means washing, screening, crushing, or otherwise preparing sand and gravel for construction uses.

SIC Code 1446 Industrial Sand

40 CFR Part 436 Subpart D--Industrial Sand Subcategory

Coverage is provided for mining and on-site processing of sand for uses other than construction, including but not limited to glassmaking, molding, filtration, refractories, refractory bonding, and abrasives. Processing employing a HF flotation method is not covered by this general permit.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels
40 CFR Part 436 Subpart H Lightweight Aggregates Subcategory**

Coverage is provided for mining, quarrying, and on-site processing of perlite, pumice, or vermiculite.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
40 CFR Part 436 Subpart V--Bentonite Subcategory**

Coverage is provided for the mining and on-site processing of bentonite.

**SIC Code 1499 Miscellaneous Nonmetallic Minerals, Except Fuels
40 CFR Part 436 Subpart X--Diatomite Subcategory**

Coverage is provided for mining and on-site processing of diatomite or diatomaceous earth.

**SIC Code 1459 Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified
40 CFR Part 436 Subpart AD--Shale and Common Clay Subcategory**

Coverage is provided for the mining and on-site processing of clays and refractory minerals. Mines operated in conjunction with plants manufacturing cement, brick, or other structural clay products are included in this industry. Establishments engaged in grinding, pulverizing, or otherwise treating clay, ceramic and refractory minerals not in conjunction with mining or quarrying operations are not included in this general permit.

**SIC Code 1455 Kaolin and Ball Clay
40 CFR Part 436 Subpart AH--Ball Clay Subcategory**

Coverage is provided for the mining and on-site processing of kaolin, ball clay, china clay, paper clay, and slip clay.

**SIC Code 2951 Asphalt Paving Mixtures and Blocks
40 CFR Part 443 Subpart B--Asphalt Concrete Subcategory**

Coverage is provided for *hot mix asphalt plants*.

SIC Code 3273 Ready-Mixed Concrete

Coverage is provided for facilities engaged in manufacturing Portland concrete delivered to a purchaser in a plastic and unhardened state. This includes production and sale of central-mixed concrete and portable ready-mixed concrete.

APPENDIX B — Definitions

The definitions in Appendix B are for terms that are used, or relate, to this permit. In other sections of the permit, defined terms appear in italics.

Active Site means a location where current mining (including *site* preparation and reclamation) or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) or stockpiles associated with current mining or processing operations, are located. Also see definitions for *Inactive Site* and *Closed Site*.

AKART is an acronym for “all known, available, and reasonable methods of prevention, control, and treatment.” *AKART* represents the most current methodology that can be reasonably required for preventing, controlling, or abating the *pollutants* and controlling *pollution* associated with a discharge.

Application for Coverage means the application for, or a request for, coverage under this General Permit pursuant to WAC 173-226-200. An *application for coverage* is also known as a “Notice of Intent (NOI).”

Best Management Practices (BMPs - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the *pollution* of *waters of the state*. *BMPs* include treatment systems, operating procedures, and practices used to control plant *site* runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. In this permit *BMPs* are further categorized as operational, source control, *erosion* and *sediment* control, and treatment.

Bypass means the diversion of waste streams from any portion of a treatment facility.

Capital BMPs means the following improvements that will require capital expenditures:

1. *Treatment BMPs*, including but not limited to: biofiltration systems including *constructed wetlands*, settling basins, oil separation equipment, impoundments, and detention and retention basins.
2. Manufacturing modifications, including process changes for source reduction, if capital expenditures for such modifications are incurred.
3. Concrete pads and dikes and appropriate pumping for collection of *stormwater*, *process water* or *mine dewatering water* and transfer to control systems from manufacturing areas such as loading, unloading, outside processing, fueling and storage of chemicals and equipment and wastes.
4. Roofs and appropriate covers for storage and handling areas.

Clean Water Act (CWA) means the Federal Water *Pollution* Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Closed Site means a location where all activities associated with permit coverage have been terminated with no intent to return to operation in the future. Also see definitions for *Inactive Site* and *Active Site*.

Constructed Wetland means wetlands intentionally created for the primary purpose of *wastewater* or *stormwater* treatment and managed as such. *Constructed wetlands* are normally considered as part of the *stormwater* collection and treatment system. Wetlands constructed for treatment of *stormwater* shall not be eligible for use as compensatory mitigation for authorized impacts to regulated wetland systems.

Critical Condition is when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing or characteristic uses. For steady-state discharges to riverine systems the critical condition may be assumed to be the 7Q10 flow event unless determined otherwise from the department.

Current EPA-approved 303(d) list means the list which is in effect on the effective date of this permit, or the 303(d) list which is in effect at the date the permittee's first *application for coverage* is received by Ecology, whichever is later.

Design Storm means the precipitation event that is used to design *stormwater* facilities, e.g. 10-year, 24-hour storm event. Refer to Ecology's *Stormwater Management Manual* for specific information on requirements for determining *design storm volume* and flow rate appropriate for designing *stormwater* treatment systems.

Design Storm Volume means the volume of runoff predicted to occur from a specified storm event. The storm event includes a time interval (e.g. 24-hours) and frequency (e.g. 10-year). Volume-based *treatment BMPs* use the *design storm volume* as their design basis. Refer to the Ecology *Stormwater Management Manual* for storm event and additional information.

Director means the *Director* of the Washington Department of Ecology or his/her authorized representative.

Discharge to Ground Water means the discharge of water into an unlined impoundment or onto the surface of the ground that allows the discharged water to percolate, or potentially percolate, to *ground water*. *Discharge to ground water*, *discharge to land*, and *discharge to ground* all have the same meaning.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal *Clean Water Act*.

Erosion means the wearing away of the land surface by precipitation, running water, ice, wind or other geological agents, including processes such as gravitational creep. *Erosion* also means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Erosion and Sediment Control BMPs means BMPs intended to prevent *erosion* and *sedimentation*, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and *sediment* traps and ponds. *Erosion and sediment control BMPs* are

synonymous with *stabilization* and structural BMPs.

Erosion and Sediment Control Plan (ESCP) means a document that describes the potential for *erosion* and *sedimentation* problems and explains and illustrates the measures to be taken to control those problems.

Existing Facility means a facility that begins activities that result in a discharge, or a potential discharge to *waters of the state*, prior to the effective date of the general permit.

Final Stabilization means completion of all soil disturbing activities at the *site* and establishment of a permanent vegetative cover, or installation of equivalent permanent *stabilization* measures (such as riprap, gabions or geotextiles) that will prevent *erosion*.

40 CFR means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

gpm means gallons per minute; the volume of fluid passing a point during a one minute interval.

Ground Water means water in a saturated zone or stratum beneath the land surface or a surface water body.

Ground Water Discharges: If water puddles/collects and discharges to ground at multiple locations on *site*, it is unlikely that all locations must be sampled. Consider the source of the water. If all the water is coming from a gravel stockpile area it is likely that just one sampling point is required. However, if some discharge points receive runoff from a gravel stockpile area and others *receiving water* from a concrete batch area, two sample points are probably necessary.

Hot Mix Asphalt Plant means a plant that blends together aggregate and asphalt cement to produce a hot, homogeneous asphalt paving mixture. The term includes batch plants, continuous mix plants, and drum mix plants.

Inactive Site means a location where 1) previous mining or processing operations (including, but not limited to, crushing, classifying, or operating a concrete or hot mix asphalt plant) has occurred; and has not been closed and restored; and 2) has no current mining or processing operations but may include stockpiles of raw materials or finished products; and 3) the permittee has submitted an Operating Status Change Form (ECY 070-33) declaring the *site* inactive. The Permittee may add or withdraw raw materials or finished products from the stockpiles for transportation off *site* for processing, use, or sale and still be considered an *inactive site*. Also see definitions for *Active Site* and *Closed Site*.

Inert means nonreactive, nondangerous solid materials that are likely to retain their physical and chemical structure under expected conditions of use or disposal.

LC₅₀ means the concentration of test material estimated to cause 50% mortality of the test organisms. The aquatic toxicity tests should use appropriate test organisms based the *receiving water* condition, in accordance with the table below:

Treatment Chemical Toxicity Test Choices for Different Discharge Circumstances

<i>receiving water condition</i>	<i>toxicity test</i>	<i>method</i>
salmonid or other fish passage	Rainbow Trout 96-hour Acute	EPA method 2019.0
	Fathead Minnow 96-hour Acute	EPA method 2000.0
juvenile salmonid or other fish rearing or habitat	Rainbow Trout 7-day Survival & Growth	USEPA-NERL SOP
	Fathead Minnow 7-day Survival & Growth	EPA method 1000.0
	Daphnid 48-hour Acute	EPA method 2002.0 or 2021.0
salmonid or other fish spawning	Rainbow Trout Embryo	EPS 1/RM/28
	Fathead Minnow Embryo-Larval Survival & Teratogenicity	EPA method 1001.0
lake	<i>Ceriodaphnia dubia</i> Survival and Reproduction	EPA method 1002.0
	alternate - <i>Mysidopsis bahia</i> 7-day Survival & Growth	EPA method 1006.0
marine water	Topsmelt 7-day Survival & Growth	EPA/600/R-95-136
	<i>Mysidopsis bahia</i> 7-day Survival & Growth	EPA method 1006.0
sensitive marine habitat	Bivalve Embryo-Larval Survival & Development	EPA/600/R-95-136

Leachate means water or other liquid that has percolated through raw material, product, or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Mine Dewatering Water means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and *ground water* seepage. However, if a mine is used for treatment of process generated waste water, discharges of commingled water from the mine shall be deemed discharges of process generated water.

Municipality means a political unit such as a city, town, or county, incorporated for local self-government.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal *Clean Water Act*, for the discharge of *pollutants to surface waters of the state* from *point sources*. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Natural Conditions means *surface water quality* that was present before any human-caused *pollution*. When estimating *natural conditions* in the headwaters of a disturbed watershed it may be necessary to use the less disturbed conditions of a neighboring or similar watershed as a reference condition.

New Facility means a facility that begins activities that result in a discharge, or a potential

discharge to *waters of the state*, on or after the effective date of the general permit (February 4, 2005).

NTU means Nephelometric *Turbidity* Units, a measure of *turbidity*.

pH -- The *pH* of a liquid measures its acidity or alkalinity. A *pH* of 7 is defined as neutral and large variations above or below this value are harmful to most aquatic life.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, and container from which *pollutants* are or may be discharged to *waters of the state*. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of *waters of the state*, including change in temperature, taste, color, *turbidity*, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any *waters of the state* as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Process Water means any water that is used for or results from the production, clean-up, or use of any raw material, intermediate product, finished product, byproduct, or waste product. The term shall also mean any waste water used in or results from the slurry transport of mined material, air emissions control, or processing exclusive of mining. Also, see definitions for *Type 1, 2, and 3 Stormwater*.

Receiving Water means the waterbody at the point of discharge. If the discharge is to a *stormwater* conveyance system, either surface or subsurface, the *receiving water* is the waterbody that the *stormwater* conveyance system discharges to. Systems designed primarily for other purposes such as for ground water drainage, redirecting stream natural flows, or for conveyance of irrigation water/return flows that coincidentally convey *stormwater* are considered the *receiving water*.

Representative Sampling means taking sufficient samples to accurately represent the nature of the discharge for parameters of concern. Many factors contribute to variability of *pollutants* in a discharge including quantity of water, time and date of sampling, and physical events and location of discharge.

Sanitary Sewer means a sewer designed to convey domestic *wastewater*.

Sediment means the fragmented material that originates from the weathering and *erosion* of rocks

or unconsolidated deposits and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of *sediment*.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a *bypass*.

Significant Amounts means those amounts of *pollutants* that are amenable to treatment or prevention or that have the potential to cause or contribute to a violation of standards for surface or *ground water quality* or *sediment* management.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with *stormwater* or *process water* discharges.

Silvicultural Point Sources are timber tract and logging activities (SIC codes 0811 and 2411) that produce mined materials for use in forest management. Additionally, *silvicultural point source* activities are limited to rock crushing or gravel washing operations that use a discernible, confined and discrete conveyance to discharge *pollutants* to *surface waters of the state*.

Site means the land or water area where any “facility or activity” is physically located or conducted.

Source Control BMPs means physical, structural, or mechanical devices or facilities intended to prevent *pollutants* from entering *stormwater*. A few examples of *source control BMPs* are *erosion* control practices, maintenance of *stormwater* facilities, construction of roofs over storage and working areas, and direction of wash water and similar discharges to the *sanitary sewer* or a dead end sump.

Stabilization means the application of appropriate BMPs to prevent the *erosion* of soils, such as temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering, and sodding. See also the definition of *Erosion and Sediment Control BMPs*.

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

Storm Sewer means a sewer that is designed to carry *stormwater*. Also called a storm drain.

Stormwater means rainfall and snowmelt runoff.

Stormwater Drainage System means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, or divert *stormwater*.

Stormwater Management Manual (SWMM) means the technical manual prepared by Ecology for use by *local governments* that contains BMPs to prevent, control, or treat *pollution* in *stormwater*.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of *point source* discharges of *stormwater*.

Surface Water Discharges: For all parameters required by this permit, a grab sample of instantaneous measurement will be considered representative. *Stormwater* sampling should occur within 24 hours of the initial discharge from a significant precipitation event (e.g. 0.25 inch/24 hr. precipitation event). *Process water* or *mine dewatering water* sampling should be timed to occur when the facility is operating at full capacity.

Surface Waters of the State includes lakes, rivers, ponds, streams, wetlands, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

10- year, 24-hour precipitation event means the maximum 24 hour precipitation event with a probable reoccurrence interval of once in 10 years.

Total Daily Maximum Load (TMDL) means a calculation of the maximum amount of a *pollutant* that a waterbody can receive and still meet State *water quality* standards. Percentages of the total maximum daily load are allocated to the various *pollutant* sources. A TMDL is the sum of the allowable loads of a single *pollutant* from all contributing point and nonpoint sources. The TMDL calculations must include a "margin of safety" to ensure that the waterbody can be protected in case there are unforeseen events or unknown sources of the *pollutant*. The calculation must also account for seasonable variation in *water quality*.

Total Dissolved Solids (TDS) means those solids that are capable of passing through a glass fiber filter (1.0 – 1.5 µm) and dried to a constant weight at 180 degrees centigrade.

Total Suspended Solids (TSS) is the particulate material in an effluent that does not pass through a glass fiber filter. Large quantities of TSS discharged to a *receiving water* may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

Treatment BMPs means BMPs intended to remove *pollutants* from *stormwater*. A few examples of *treatment BMPs* are detention ponds, oil/water separators, biofiltration, and *constructed wetlands*.

Turbidity means the clarity of water as expressed by *nephelometric turbidity units (NTU)* and measured with a calibrated turbidimeter.

Type 1 Stormwater means *stormwater* from portions of a *site* where no industrial activities have occurred or from a *site* or area within a *site* that has been reclaimed and the reclamation bond

portion thereof (if any) has been released. If *Type 1 stormwater* enters areas associated with *Type 2 stormwater*, it becomes *Type 2 stormwater*. Likewise, if it enters areas associated with *Type 3 stormwater*, it becomes *Type 3 stormwater*.

Type 2 Stormwater means *stormwater* from: 1) portions of a *site* where mining has temporarily or permanently ceased; 2) from portions of a *site* with exposed soils in areas cleared in preparation for mining or other industrial activity; or 3) undisturbed areas, if the runoff is routed around the *site* in an unlined ditch or conveyance. If *Type 2 stormwater* enters areas associated with *Type 3 stormwater*, it becomes *Type 3 stormwater*.

Type 3 Stormwater means *stormwater* discharges from:

1. Industrial plant yards;
2. Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
3. Material handling *sites*;
4. *Sites* used for the storage and maintenance of material handling equipment;
5. *Sites* used for residual treatment, storage, or disposal;
6. Shipping and receiving areas;
7. Storage areas for raw materials or intermediate and finished products at *active sites*; and
8. Areas where industrial activity has taken place in the past and *significant materials* remain and are exposed to *stormwater*.

USEPA means the United States Environmental Protection Agency.

Wasteload Allocation (WLA) means the portion of a *receiving water's* loading capacity that is allocated to one of its existing or future *point sources* of *pollution*. WLAs constitute a type of *water quality* based effluent limitation (40 CFR 130.2(h)).

Wastewater means water or liquid carried waste from industrial or commercial processes. These wastes may result from any process or activity of industry, manufacture, trade or business, or from the development of any natural resource. The term includes contaminated *stormwater*.

Water Quality means the chemical, physical, and biological characteristics of water, normally with respect to its suitability for a particular purpose.

Waters of the State includes those waters as defined as “waters of the United States” in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and “*waters of the state*” as defined in Chapter 90.48 RCW. This includes *ground water*, lakes, rivers, ponds, streams, wetlands, inland waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

Wellhead Protection Area (WHPA) means the portion of a well's, well field's, or spring's zone of contribution defined as such using WHPA criteria established by the Washington Department of Health.

APPENDIX C — TDS Pollution Prevention Schedule

Requirements for Ready Mix Concrete Facilities (SIC 3273) with High-TDS Discharges (>500mg/l) to Ground Water

Ready-Mix Concrete Facilities (SIC 3273) that exceed 500 mg/l *total dissolved solids (TDS)* in any *discharge to ground water* are required to:

1. Resample the discharge within 10 days of receiving results (or next available discharge); measure TDS, and if over 500 mg/l TDS, conduct additional analysis to determine the major cation and anion concentrations (Ca, Mg, K, Na, Nitrate+Nitrite, Cl, SO₄, CO₃, SiO₂ and HCO₃).
2. If the sample collected per Appendix C, number 1 does not exceed 500 mg/l TDS, resume normal monthly sampling frequency. However, if the analysis indicates that the sample exceeds 500 mg/l, the Permittee shall:
 - a. Notify the Permit Manager by phone within 5 days of analysis, and
 - b. Based on sampling data, determine appropriate *pollution* prevention opportunities to prevent exceedance of *ground water quality* standards, and
 - c. Within 180 days of analysis required by Appendix C, number 1, implement appropriate operational changes to ensure that future discharges to ground do not exceed *ground water quality* standards, and
 - d. Within 180 days of analysis, the *ground water* discharge point shall be resampled and analyzed to determine TDS and the major cation and anion concentrations. If no discharge occurs within 180 days, the Permittee shall resample the next available discharge. The results shall be submitted to Ecology within 30 days of analysis.
3. If the follow-up analysis conducted per Appendix C, number 2.d. indicates that one or more parameters still exceeds *ground water quality* standards, the Permittee shall (at its discretion) implement one of the following within 180 days of the follow-up analysis:
 - a. Cease discharging to ground (e.g. convert to closed-loop system), or
 - b. Based on an Engineering Report (WAC 173-240) submitted to Ecology within 90 days of the follow-up analysis, implement a program with a schedule as approved by Ecology to provide treatment for the parameter(s) exceeding *ground water quality* standards, and discharge treated water to ground, or

Conduct an Ecology-approved *ground water* impact study. The study shall be conducted in accordance with WAC 173-200-080 and Ecology Publication 96-02 (Implementation Guidance for the *Ground Water Quality* Standards) and consider the point of compliance, the quantity of discharge, and the vulnerability of *ground water*. The study shall include a list of all chemicals used in, or exposed to, *process water* or *stormwater* and the cation/anion concentration of each chemical. The results of the study shall be submitted to the Permit Manager no later than 30 days after completion of the study.